

Civil Aviation Amendment Regulations 1999 (No. 3) 1999 No. 210

EXPLANATORY STATEMENT

STATUTORY RULES 1999 NO. 210

Civil Aviation Act 1988

Civil Aviation Amendment Regulations 1999 (No. 3)

Subsection 98 (1) of the *Civil Aviation Act 1988* (the Act) provides that the Governor-General may make regulations for the purposes of the Act and in relation to the safety of air navigation.

PURPOSE OF REGULATIONS

The regulations make 2 minor amendments to the *Civil Aviation Regulations 1988*.

Regulation 42ZZ contains provisions relating to the amendment of maintenance control manuals by aircraft operators.

Under subregulation 42AZZ(2), the Civil Aviation Safety Authority (CASA) may direct an operator to amend a maintenance control manual.

The Senate Standing Committee on Regulations and Ordinances expressed its concern that subregulation 42ZZ(2) did not require a direction to be in writing. As a result, the then Minister for Transport and Regional Development gave an undertaking to amend the regulation to include such a requirement.

The regulations amend subregulation 42ZZ(2) to include the words ",in writing,".

Regulation 269(1) sets out grounds for the suspension, cancellation or variation of a licence, certificate or authority. At present paragraph 269(1)(c) refers to any matter affecting the safe or efficient navigation of an aircraft. CASA's functions under section 9 of the Act relate to the safety regulation of air operations. In addition, the regulation making power in subsection 98(1) of the Act is essentially restricted to the making of regulations 'in relation to safety'.

The regulations amend paragraph 269(1)(c) by omitting the words "or efficient".

The regulations commenced on gazettal.

Details of the regulations are attached.

REGULATION IMPACT STATEMENT

The Office of Regulation Review has stated that a Regulation Impact Statement is not required because the proposals are of a minor or machinery nature and do not substantially alter existing arrangements.

ATTACHMENT

REGULATION 1 (Name of Regulations)

This regulation provides that the Regulations are named the *Civil Aviation Amendment Regulations 1999(No. 3)*.

REGULATION 2 (Commencement)

This regulation provides that the Regulations commence on Gazettal.

REGULATION 3 (Amendment of Civil *Aviation Regulations 1988*)

This regulation provides that the *Civil Aviation Regulations 1988* are amended as set out in Schedule 1.

SCHEDULE 1

[1] Item 1 inserts the words "in writing" in subregulation 42ZZ(2).

[2] Item 2 omits the words "or efficient" from paragraph 269(1)(c).